

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION MODIFYING AND AFFIRMING THE DECISION OF THE
HEARING OFFICER AND CONDITIONALLY APPROVING
THE APPLICATION OF KINGSTON BAY SENIOR LIVING, LLC
FOR MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT
DRC2012-00024

The following resolution is now offered and read:

WHEREAS, on March 1, 2013, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of Kingston Bay Senior Living, LLC for Minor Use Permit/Coastal Development Permit DRC2012-00024; and

WHEREAS, Bruce Fosdike has appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on May 14, 2013, and determination and decision was made on May 14, 2013; and

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WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be modified and affirmed and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in revised Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That a previously adopted Negative Declaration is adequate for the purposes of compliance with the California Environmental Quality Act, and an Addendum to the Negative Declaration was prepared pursuant California Environmental Quality Act Guidelines Sections 15165(a) and 15162.
4. That the appeal filed by Bruce Fosdike is hereby denied and the decision of the Hearing Officer is modified and affirmed and that the application of Kingston Bay Senior Living, LLC for Minor Use Permit/Coastal Development Permit DRC2012-00024 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:


Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____


Deputy County Counsel

Dated: May 1, 2013

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STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of _____, 20__.

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By _____ Deputy Clerk.

EXHIBIT A - FINDINGS

Environmental Determination

- A. The previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. A side setback adjustment is granted pursuant to CZLUO Section 23.05.104f allowing the kitchen area wall to extend 16' into the required 30' interior side setback. The Cambria Fire Department has reviewed the proposed site plan and approved the requested setback adjustment based on proposed mitigation, including built-in fire safety systems and building construction features, as outlined in the project fire safety plan (*Dudek; November 2012*).
- E. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the construction of the senior care facility will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- F. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed senior care facility is similar to, and will not conflict with, the surrounding lands and uses.
- G. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Ardath Drive and Green Street, an arterial and a local road constructed to a level able to handle any additional traffic associated with the project. The project's traffic study (ATE; November 2, 2012) estimated that the proposed senior care facility would generate 112 average daily vehicle trips, with 7 trips occurring during the a.m. peak hour and 12 trips during the p.m.

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peak hour. The study concluded that these additional trips would not significantly impact the local Cambria street network, including the Highway One/Ardath Drive intersection.

Coastal Access

- H. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- I. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized, and if trees are removed or impacted they will be replaced.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.
- K. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized, and if pine trees are removed, they will be replaced on a four-to-one basis.
- L. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- M. There will be no significant negative impact to the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the project or use will require replacement of removed oaks and pines on a six-to-one basis and four-to-one basis respectively.
- N. The project or use will not significantly disrupt the habitat, because it is a senior care facility with minimal site disturbance.

Archaeology

- O. The project design and development incorporates adequate measures to ensure protection of significant archaeological resources because no indications of prehistoric resources or early historic archaeological resources were found during the preliminary surface survey.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a Minor Use Permit/Coastal Development Permit to allow the following:
 - a. Construction of a 28,266 square foot, 31 unit senior care facility.
 - b. One acre of site disturbance on a 1.26 acre parcel.
2. Maximum height is 25 feet (as measured from average natural grade).

Conditions required to be completed at the time of application for construction permits

3. **At the time of application for construction permits**, the applicant shall submit a revised site plan, floor plans, and architectural elevations to the Department of Planning and Building for review and approval. The revised plan shall reflect the North Elevation Revisions (Hochhauser & Blatter; April 30, 2013) incorporating additional roofline articulation.
4. **At the time of application for a construction permits**, the applicant shall submit a color and materials board for the proposed facility. Colors shall be muted earth-tones to blend with the Monterey pine forest. Materials shall have patterns or texture, such as wood or wood-appearing siding, for example board and batten siding or fire-resistant shingles, as primary materials for exterior walls.
5. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans.
6. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
7. **At the time of application for construction permits**, the following noise mitigation measures shall be incorporated into the project design:
 - a. Air conditioning or a mechanical ventilation system
 - b. Windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications)
 - c. Solid core exterior doors with perimeter weather stripping and threshold seals
 - d. Exterior walls shall consist of wood or wood-appearing siding with a ½ inch minimum thickness fiberboard ("soundboard") underlayer.
 - e. Glass in both windows and doors should not exceed 20% of the floor area in a room.
 - f. Roof or attic vents facing the noise source should be baffled

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Access

8. **At the time of application for construction permits**, public improvement plans shall be prepared and a performance bond posted in compliance with Section 23.05.106 (4D) (Curbs, Gutters and Sidewalks) of the Coastal Zone Land Use Ordinance; and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
- a. Street plan and profile for widening **Ardath Drive** to complete the project side of an A-1g II (with HMA Dike) street section fronting the property. All proposed driveways shall be located a minimum of 50-feet from any existing street intersection and constructed in accordance with County Standard B-series drawings.
 - b. Street plan and profile for widening **Green Street and Londonderry Lane** to complete the project side of an A-1d street section fronting the property. All proposed driveways shall be located a minimum of 50-feet from any existing street intersection and constructed in accordance with County Standard B-series drawings.
 - c. Pedestrian easements as necessary to contain all slope, shoulder, sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk-Recorder upon review and approval by Public Works.
 - d. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - e. A plan to upgrade the existing bus stop at Ardath and Green Streets to include a bus pullout, or moving the bus stop to another area that best services pedestrian circulation developed in the right-of-way as part of the proposed project. This plan will be developed in consultation with RTA and the County Department of Public Works.
 - f. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - g. A landscaping plan showing all proposed landscaping within the public right-of-way
 - h. The Green Street access driveway shall be marked and signed for project ingress only in accordance with the recommendations project traffic report prepared by ATE and dated November 2, 2012 (copy on file with the Department of Public Works).

Offers

9. **Prior to issuance of construction permits**, the applicant shall offer for dedication to the public right-of-way easements by separate document for Ardath road widening purposes a sufficient width as necessary to contain all elements of a the roadway prism including slopes, sidewalks, driveway aprons, curb returns and other improvements. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.
10. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and

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proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

11. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with the local fire agency standards and specifications back to the nearest public maintained roadway.
12. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a cash deposit with the County for the cost of checking the improvement plans and the cost of inspection of any such improvements by the County or its designated representative. The applicant shall also provide the County with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Fire Safety

13. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in both the Fire Plan Review (*Cambria Fire Department; January 6, 2013*) and the Fire Safety Plan for Kingston Bay Senior Living (*Dudek Consulting; January 2013*).

Water and Sewer Service

14. **At the time of application for construction permits**, the applicant shall comply with the conditions from the Cambria Community Services District, including but not limited to those on the Intent to Provide Water and Sewer Service letter dated November 1, 1998, and time extension dated August 1, 2011 (see attached).

Grading, Drainage, Sedimentation and Erosion Control

15. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval.
16. **At the time of application for construction permits**, the applicant shall submit to the complete drainage calculations prepared by a licensed civil engineer for review and approval in accordance with Section 23.05.040 (Drainage) of the Coastal Zone Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works. The analysis shall include an evaluation of drainage impacts on the existing culvert under Highway One at post mile 47.64.
17. **At the time of application for construction permits**, the applicant shall submit to the California Department of Transportation for review and approval a hydrogeologic analysis of the project's drainage impacts on the existing culvert under Highway One at post mile 47.64.
18. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plans for review and approval.

Stormwater Pollution Prevention

19. **At the time of application for construction permits**, the applicant shall demonstrate the project has incorporated County approved LID structural practices into the project. Refer to the brochure *Interim Low Impact Development Guidelines* for further information and references for LID design.
20. **At the time of application for construction permits**, the project shall comply with the post-construction requirements of the Construction General Permit (CGP). A "Private Stormwater Conveyance Management and Maintenance System" shall be submitted to the Department of Public Works for review and approval. Upon approval, the applicant shall record with the County Recorder's Office the "*Private Stormwater Conveyance Management and Maintenance System*" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Conditions to be completed prior to issuance of a construction permit

Fees

21. **Prior to issuance of construction permits**, the applicant shall pay all applicable school and public facilities fees.

Water and Sewer Service

22. **Prior to issuance of construction permits**, the applicant shall submit to the Department of Planning and Building for review and approval, evidence that the anticipated water use of this development has been completely offset through the retrofit of existing water fixtures within the Cambria Community Service District's service area or other verifiable action to reduce existing water use in the service area (e.g., replacement of irrigated landscaping with xeriscaping). The documentation shall include written evidence that the Cambria Community Service District (CCSD) has determined that the applicant has complied with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and further modified by CCSD Board approval on November 14, 2002 (CCSD board item VIII.B), subject to the limitation that no retrofit credits shall have been obtained by any of the following means: a) extinguishing agricultural water use, or b) funding leak detection programs. Evidence of compliance with CCSD Ordinance 1-98 shall be accompanied by written confirmation from the CCSD that any in-lieu fees collected from the applicant have been used to implement projects that have reduced existing water use within the service area in an amount equal or greater to the anticipated water use of the project.
23. **Prior to issuance of construction permits**, the applicant shall apply to merge lots 1, 5, 6, 7 and 8 of Parcel Map 51-5 and lots 13, 14 & 15 of Cambria Pines Manor Unit 6, Block 137.

Air Quality

24. **Prior to issuance of construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air

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Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

25. **Prior to issuance of construction permits**, the applicant shall submit verification from APCD that the following measures have been incorporated into the project to control dust:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD;
 - g. All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Install wheel washers where vehicles enter and exist unpaved roads onto streets, or wash off trucks and equipment leaving the site;
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
 - l. All PM10 mitigation measures required should be shown on grading and building plans; and
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
26. In addition to the State required diesel idling requirements, the project applicant shall comply with the these more restrictive requirements to minimize impacts to nearby sensitive receptors:
- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

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- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.
27. **Prior to any site disturbance or issuance of construction permits**, the applicant shall provide evidence of a California statewide portable equipment registration or an APCD permit for any portable equipment, 50 horsepower (hp) or greater, that will be used during construction. Contact APCD at 805-781-5912 for permitting requirements.

Grading, Drainage, Sedimentation and Erosion Control

28. **Prior to issuance of construction permits**, if grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
29. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department, which shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.

Geology and Soils

30. **Prior to any site disturbance or issuance of construction permits**, the following conditions shall be included on all building plans and grading plans:
- a. The project Engineering Geologist shall inspect work on-site and verify that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review and engineering geology report.
 - b. The project Engineering Geologist shall issue a final engineering geology compliance report as required by the Uniform Building Code which identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the engineering geology report.
 - c. Should the services of the project Engineering Geologist be terminated prior to final inspection and/or issuance of occupancy permits, the applicant shall submit a transfer of responsibility statement to the County Planning Department from the new Certified Engineering Geologist as per the Uniform Building Code.
31. The applicant shall implement the conclusions and recommendations as described in the Geotechnical Engineering Report (Mid-Coast Geotechnical, Inc.; June 28, 2012) and the engineering geology report. All conclusions and recommendations shall be implemented as requirements not recommendations except in the instance where the recommendation is stated as an alternative building technique. **Prior to issuance of construction permits**, all conclusions and recommendation related to the above referenced geotechnical reports shall be incorporated into the project design and printed on the cover page of the grading and construction plans.

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32. **Prior to issuance of construction or grading permits**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP) to the Department of Planning and Building.
33. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan (CZLUO Section 23.05.040) for review and approval by the County Public Works Department. The drainage plan shall
34. **Prior to issuance of construction permits**, the project Engineering Geologist shall review the project foundation plans and acknowledge in a letter to the County Geologist that their recommendations are properly addressed in the plans.

Offers

35. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public right-of-way easements by separate document for road widening purposes a sufficient width as necessary to contain all elements of the roadway prism including slopes, shoulders, sidewalks, driveway aprons, curb ramps and other improvements. Offers are to be recorded by separate document with the County Clerk-Recorder after review and approval by Public Works.
36. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk-Recorder after review and approval by Public Works.

Easements

37. **Prior to issuance of construction permits**, the applicant shall submit evidence satisfactory to the Department of Planning and Building that the Cambria Community Services District and each public utility (PG&E, Gas Company, Telephone Company, etc) has reviewed and is in agreement with the proposed project constructing buildings and other improvements atop the existing utility easement within the vacated portion of the Ardath Drive right-of-way. Alternatively, the applicant may be required to quitclaim all or a portion of the public utility easement prior to permit issuance.

Conditions to be completed during project construction

Grading, Drainage, Sedimentation and Erosion Control

38. **Prior to or concurrently with on-site grading activities**, permanent erosion control devices shall be installed.
39. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
40. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.

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41. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
42. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.
43. Appropriate sedimentation measures to be implemented at the end of each day's work.

Archaeology

44. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Building Height

45. The maximum height of the project is 25 feet (as measured from average natural grade).
 - a. Prior to any site disturbance, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish the center line of the fronting street at a point midway between the two side property lines and set a reference point (benchmark).
 - b. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.
 - c. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Geology and Soils

46. **During project construction/ground disturbing activities**, the applicant shall retain a project Engineering Geologist of record and shall provide the engineering geologist's written certification of adequacy of the proposed site development for its intended use to the Department of Planning and Building.

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Tree Protection/Replacement

47. The applicant shall limit tree removal to no more than 8 Monterey pine trees with an eight inch diameter or larger at four feet from the ground. Construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed.
48. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
49. All trees bordering the proposed project that are to remain shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.

Conditions to be completed prior to occupancy or final building inspection

50. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
51. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall implement approved color board, site plan, floor plan, and elevations as shown on the attached exhibits.
52. **Prior to final inspection**, the project Engineering Geologist shall verify that construction is in conformance with the engineering geology report recommendations and that the project Engineering Geologist is satisfied that his recommendations for footing embedment are met. This verification shall be submitted in writing to the Department of Planning and Building for review and approval.
53. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall obtain final inspection and approval from Cambria Fire of all required fire/life safety measures.
54. The applicant shall submit for final plumbing inspection from Cambria Community Services District upon completion of the project.
55. **Prior to final inspection**, the applicant shall record the voluntary lot merger of lots 1, 5, 6, 7 and 8 of Parcel Map 51-5 and lots 13, 14 & 15 of Cambria Pines Manor Unit 6, Block 137.

Tree Protection/Replacement

56. **Prior to final inspection**, the 8 Monterey pine tree removed as a result of construction shall be replaced at a 4:1 ratio. A total of 32 Monterey pine trees shall be planted. Monterey pine replacement trees shall be one gallon saplings grown from the Cambrian stand; *Pinus radiata macrocarpa*.

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57. These newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once the replacement trees have been planted, the applicant shall retain a qualified individual to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
58. To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant and successors-in-interest agree to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.

Fire Protection

59. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cambria CSD Fire Department of all required fire and life safety measures.

Public Works Review

60. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Access

61. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Building Review

62. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

63. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

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64. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.
65. The property owner shall be responsible for operation and maintenance of public road frontage landscaping in a viable condition on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Drainage

66. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Parking

67. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the Senior Bay Senior Living Parking Management Plan dated March 1, 2013.

Access

68. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to project lighting, project signage; landscape planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
69. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks and landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Fees

70. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code the applicant shall be responsible for paying to the Department of Public Works the North Coast Area D Road Improvement Fee for each future building permit in the amount prevailing at the time of payment.

Recycling

71. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).
72. The applicant shall as a condition of approval of this minor use permit/coastal development permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party

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challenging either its decision to approve this minor use permit/coastal development or the manner in which the County is interpreting or enforcing the conditions of this minor use permit/coastal development permit, or any other action by a third party relating to approval or implementation of this minor use permit/coastal development permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.